MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S.A. vs FRANCISCO AVILA-GRACIANO No. 08CR0952-JM

The Court finds excludable delay, under the section indicated by check (√),

commenced on 4/22/08 and ended on 5/16/08 ; (   )

____________ and ended on ____________ . (   )

	3161(h)		
___	(1)(A)	Exam or hrg for **mental or physical incapacity**	A
___	(1)(B)	**NARA examination** (28:2902)	B
___	(1)(D)	State or Federal trials or **other charges pending**	C
___	(1)(E)	**Interlocutory appeals**	D
___	(1)(F)	**Pretrial motions** (from flg to hrg or other prompt dispo)	E
___	(1)(G)	**Transfers from other district** (per FRCrP 20, 21 & 40)	F
___	(1)(J)	**Proceedings under advisement** not to exceed thirty days	G
___		Misc proc: Parole or prob rev, deportation, **extradition**	H
___	(1)(H)	**Transportation** from another district or to/from examination or hospitalization in ten days or less	6
___	(1)(I)	Consideration by Court of **proposed plea agreement**	7
___	(2)	**Prosecution deferred** by mutual agreement	I
___	(3)(A)(B)	**Unavailability of defendant** or **essential witness**	M
___	(4)	Period of **mental or physical incompetence** of defendant to stand trial	N
___	(5)	Period of **NARA commitment or treatment**	O
___	(6)	**Superseding indictment and/or new charges**	P
___	(7)	**Defendant awaiting trial of co-defendant** when no severance has been granted	R
___	(8)(A)(B)	**Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance	T
___	(8)(B)(I)	1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. **(Continuance - miscarriage of justice)**	T1
X		2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. **(Continuance - tendered a guilty plea)**	
___	(8)(B)(ii)	2) **Case** unusual or **complex**	T2
___	(8)(B)(iii)	3) **Indictment** following arrest **cannot be filed** in thirty (30) days	T3
___	(8)(B)(iv)	4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare **(Continuance re counsel)**	T4
___	3161(I)	Time up to **withdrawal of guilty plea**	U
___	3161(b)	**Grand jury indictment time extended** thirty (30) more days	W

Date 4/22/08

Judge's Initials